

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:17-cv-687-RJC  
3:10-cr-182-RJC-DSC-1**


<b>MICHAEL T. RAND,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	
	)	<b><u>ORDER</u></b>
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Respondent.</b>	)	
<hr/>	)	

**THIS MATTER** is before the Court on Petitioner’s *pro se* “Motion to Request Extension to Respond to Respondent’s Motion to Vacate,” (Doc. No. 23), in which Petitioner appears to seek an extension of time to file a Reply to the Government’s Response to his § 2255 Motion to Vacate.

Petitioner is represented by counsel in this § 2255 action. There is no right to “hybrid representation” in which defendant is represented both by himself and by counsel. McKaskle v. Wiggins, 465 U.S. 168, 183 (1984); see Cain v. Peters, 972 F.2d 748, 750 (7<sup>th</sup> Cir.1992) (representation by counsel and self-representation are mutually exclusive entitlements in light of McKaskle). Counsel has not adopted Petitioner’s *pro se* filing and Petitioner does not appear to seek counsel’s removal from the case. Therefore, the *pro se* Motion seeking an extension of time is an unauthorized pleading that is subject to being stricken. However, Petitioner alleges that he has been unable to communicate with his lawyer, Adam Hames. Petitioner’s counsel shall file a Response within **five (5) days** of this Order stating whether he is adopting Petitioner’s *pro se* Motion seeking an extension of time to file a Reply.

**IT IS SO ORDERED.**

Signed: November 14, 2018

  
Robert J. Conrad, Jr.  
United States District Judge

